

TOWN OF SAN ANSELMO

ORDINANCE NO. 1007

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING
THE SAN ANSELMO MUNICIPAL CODE TO PROVIDE FOR
ADMINISTRATIVE PENALTIES IN NUISANCE ABATEMENT
PROCEEDINGS**

The Town Council of the Town of San Anselmo does hereby ordain as follows:

Section 1 Chapter 1 of Title 9 of the San Anselmo Municipal Code is hereby amended to read as follows:

**1-2.05 Public nuisances: Council action: Hearings: ~~Resolutions~~
Nuisance Abatement Order.**

At the time fixed in the notice provided for in Section 1-2.04 of this chapter, the Council shall proceed to hear evidence relating to the nuisance. The Council may continue the hearing from time to time. If the owner fails to appear at the time fixed for the hearing, or at any time to which the hearing may be continued, such failure to appear shall not deprive the Council of its jurisdiction to determine the matter. At the conclusion of the hearing, the Council may adopt a ~~resolution~~ **Nuisance Abatement Order** declaring such condition to constitute a nuisance and directing the owner to abate the same by removal, rehabilitation, demolition, or repair within a reasonable period. In determining the period for the abatement of such nuisance, the Council may consider, among other things, the imminence of the danger involved. In its ~~resolution order~~, the Council may direct that any officer or employee of the Town shall abate the nuisance in the event the owner fails to abate the nuisance within the period prescribed by the Council.

1-2.05.5 Administrative Penalties

- (a) The Council may impose penalties upon persons responsible for creating, maintaining or fostering a public nuisance in an amount not to exceed a maximum of One Thousand (\$1,000) Dollars per day for each day that the public nuisance occurs, except that the total administrative penalty imposed pursuant to this Chapter shall not exceed One Hundred Thousand (\$100,000) Dollars, exclusive of administrative costs, attorneys fees, and interest.**
- (b) In determining the amount of the penalty, the Council may take any or all of the following factors into consideration:**

1. **The period of time during which the public nuisance occurred;**
2. **The nature, frequency and recurrence of the public nuisance;**
3. **The ease with which the public nuisance could have been abated;**
4. **The good faith efforts made to deter the public nuisance or ameliorate its effects;**
5. **The economic impact of the penalty upon persons responsible for payment;**
6. **The impact of the public nuisance on the community; and/or**
7. **Such other factors as justice may require.**

- (c) **Penalties imposed by the Council may accrue from a date no earlier than the compliance date specified in the Nuisance Abatement Order and shall cease to accrue on the date the Nuisance Abatement Order has been complied with as determined by the Town Attorney. When the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, which do not create an immediate danger to health or safety, the Nuisance Abatement Order shall provide for a reasonable period of time, under the circumstances, for a person responsible for a violation to correct or otherwise remedy the violation prior to the imposition of any administrative penalties.**
- (d) **Penalties assessed by the Council shall be due by the date specified in the Nuisance Abatement Order.**
- (e) **Penalties assessed by the Council are a personal debt owed to the Town and, in addition to all other means of enforcement and collection where the person against whom the penalties are assessed is an owner of the subject real property, may, at the Council's option, be enforced and collected through the placement of a lien against the subject real property.**
- (f) **Penalties shall continue to accrue on a daily basis until the Nuisance Abatement Order has been complied with, subject to the maximum amount set forth in this Section.**
- (g) **If a person subject to the Nuisance Abatement Order gives written notice to the Town Attorney that the Nuisance Abatement Order has been complied with and if the Town Attorney finds that compliance has been achieved, the date that the written notice was postmarked or**

personally delivered to the Town Attorney or the date of the Town's final inspection, whichever first occurred, shall be deemed to be the date of compliance with the Nuisance Abatement Order.


The foregoing Ordinance was introduced and reading was waived at a regular meeting of the Town Council of the Town of San Anselmo, County of Marin, State of California, held on the 13th day of July, 1999 and thereafter adopted at the regular meeting of the Town Council of the Town of San Anselmo, County of Marin, State of California held on the 10th day of August, 1999, by the following vote:

Ayes: Breen, Chignell, Hodgins, Kroot, Overberger
Noes: (None)
Abstain: (None)
Absent: (None)



Paul Chignell, Mayor
Town of San Anselmo

ATTEST:


Debra Stutsman
Town Clerk